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Attorneys for Plaintiff  
IMPEVA LABS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IMPEVA LABS, INC.,

Plaintiff,

vs.

SYSTEM PLANNING CORPORATION,  
SYSTEM PLANNING CORPORATION D/B/A  
GLOBALTRAK AND RICHARD C. MEYERS

Defendants.

Civil Action No.: 5:12-cv-00125-EJD

**~~PROPOSED~~ ORDER GRANTING  
FOURTH EXTENSION OF TIME FOR  
CASE MANAGEMENT CONFERENCE  
AND RELATED DATES**

IT IS HEREBY STIPULATED by and between the parties hereto pursuant to  
Local Rule 7-12, and with the approval of this Court, that the ADR deadlines, Case  
Management Conference and related dates, be extended from their presently noticed  
dates based upon the following:

- 1 -

STIPULATION AND ~~PROPOSED~~ ORDER GRANTING FOURTH EXTENSION OF TIME FOR CASE MANAGEMENT  
CONFERENCE AND RELATED DEADLINES  
Civil Action No.: 5:12-cv-00125-EJD

1 WHEREAS, on or about March 6, 2012 the parties submitted their first  
2 stipulation to extend the time for the ADR deadlines as well as the Case Management  
3 Conference ("CMC") and related dates, (Dkt. 21), and, on March 7, 2012, the Court  
4 denied the request on the grounds that Plaintiff's First Amended Complaint rendered  
5 Defendants' motion to dismiss moot; and

6 WHEREAS, thereafter on or about April 3, 2012 this Court, in response to the  
7 parties' stipulation, granted the parties' request that the ADR deadlines and CMC and  
8 related filing dates be continued due to the proximity with the hearing on Defendants'  
9 Motion to Dismiss the First Amended Complaint and the CMC, both scheduled for  
10 April 27, 2012 (Dkt. 25); and

11 WHEREAS, as a result, the Court continued the CMC from April 27 to June 1,  
12 the ADR deadlines from April 6 to May 13 and the date for filing the Rule 26 Report,  
13 submission of the Initial Disclosures and the Case Management Statement from April  
14 20 to May 26, 2012; and

15 WHEREAS, on April 25, 2012 the Court continued the hearing on the motion  
16 to dismiss from April 27 to May 11, 2012 (Dkt. 28) and, thereafter, on May 8, 2012,  
17 vacated the hearing and took the motion under submission without oral argument  
18 (Dkt. 29);

19 WHEREAS, on May 15, 2012, pursuant to the parties' stipulation, the Court  
20 entered its order (Dkt. 31) ordering the ADR deadline to be continued to July 13,  
21 2012, the Rule 26(f) Report, Initial Disclosures and Case Management Statement to  
22 August 3 and the CMC to August 10, 2012;

23 WHEREAS, on July 18, 2012, pursuant to the parties' stipulation, the Court  
24 entered its order (Dkt. 33) ordering the ADR deadline to be continued to October 5,  
25 2012, the Rule 26(f) Report, Initial Disclosures and Case Management Statement to  
26

November 2 and the CMC to November 9, 2012;

WHEREAS, on August 23, 2012, the Court issued its Order Granting in Part and Denying in Part Defendants' Motion to Dismiss the First Amended Complaint (Dkt. 34);

WHEREAS, on September 4, 2012, Plaintiff filed its Second Amended Complaint (Dkt. 35);

WHEREAS, on September 21, 2012, Defendants filed Defendants' Motion to Dismiss the Third Cause of Action of the Second Amended Complaint F.R.C.P. 12(B)(1) and 12(B)(6) with a hearing date of December 14, 2012 (Dkt. 36);

WHEREAS, under the present schedule, the parties are to meet and confer regarding the Case Management Statement on or before November 2, prepare and file the Rule 26 Report, Initial Disclosures and Case Management Statement by November 2, and attend the Case Management Conference on November 9, 2012; and

WHEREAS, it continues to be the parties belief that preparation of the Case Management Statement, Initial Disclosures and Rule 26 Report is premature at this juncture for the following reasons: (1) the Court's decision with respect to Defendants' motion to dismiss will have an impact upon virtually all of the filings in preparation for the Case Management Conference insofar as the claims that will be at issue, and the discovery required as between the parties as well as third parties; (2) Defendants have not filed an answer to the Second Amended Complaint, so any affirmative defenses it may assert must await the Court's decision on the motion; and (3) Defendants have made no determination as to any counterclaims or possible third party complaints as such would await the decision of the Court on the motion to dismiss;

Accordingly, the foregoing issues, including the need for Defendants'

1 responsive pleading, lead the parties to believe that to conserve judicial resources the  
2 CMC should be continued so as to permit this Court to rule on Defendants' motion  
3 and, thereafter, allow the parties to prepare for the CMC based upon this Court's  
4 ruling and the pleadings placing the matter at issue.

5 The parties therefore respectfully request that the Case Management  
6 Conference, and related filing deadlines be revised as set forth below:

Event	Present Date	New Date
CMC	November 9, 2012	February 1, 2013

1  
2 Rule 26(f) Report;  
3 Initial Disclosures;  
4 Case Management  
5 Statement.

November 2, 2012

January 25, 2013

6  
7 IT IS SO STIPULATED.

8  
9 Dated: October 30, 2012

/s/ Michael E. Dergosits

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Attorneys for Plaintiff IMPEVA LABS, INC.

15  
16 Dated: October 30, 2012

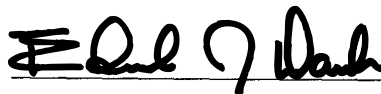
/s/ Thomas S. Kidde

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CORPORATION, SYSTEM PLANNING  
CORPORATION D/B/A GLOBAL TRAK AND  
RICHARD C. MEYERS

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
27  
28

1 Dated: October 31, 2012



Hon. Edward J. Davila, U.S. District Court Judge

1 **ATTESTATION**

2 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of  
3 this document has been obtained from each of the signatories.

4  
5 Dated: October 30, 2012

/s/ Michael E. Dergosits

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's ECF System

Dated: October 30, 2012

/s/ Michael E. Dergosits